

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GREGORY P. FELTON,

Plaintiff,

13-CV-6721 (JS)(ARL)

-against-

ANSWER

LONG ISLAND RAIL ROAD COMPANY,

Defendant.
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S I R S :

Defendant, The Long Island Rail Road Company ("LIRR"), by its attorney, CHRISTOPHER P. YODICE, answering the Complaint of plaintiff, alleges upon information and belief:

1. Admits each and every allegation contained in paragraphs "1" and "2" of the Complaint.
2. Denies each and every allegation contained in paragraph "3" of the Complaint, except admits that upon information and belief, that at all times hereinafter mentioned, "LIRR", was a Public benefit corporation duly organized and existing under and by virtue of the laws of the State of New York, and was doing business within the jurisdiction of this Court as an interstate common carrier by railroad.

Jurisdiction

3. Admits each and every allegation contained in paragraphs "4", "5" and "6" of the Complaint.

Liability

4. Denies each and every allegation contained in paragraph "7" of the Complaint, except admits that upon information and belief, that at all times hereinafter mentioned, defendant owned the train tracks, the track ties, and their parts and appurtenances, comprising the "LIRR" Mineola track work zone, hereinafter "track work zone".
5. Denies each and every allegation contained in paragraph "8" of the Complaint and refers questions of law to the Court for determination.
6. Admits each and every allegation contained in paragraph "9" of the Complaint.

7. Denies each and every allegation contained in paragraphs "10", "11" and "12" of the Complaint.

Injuries and Damages

8. Denies each and every allegation contained in paragraph "13" of the Complaint.

**DEFENDANT, FURTHER ANSWERING AND FOR A FIRST,
SEPARATE AND COMPLETE DEFENSE TO ALL CAUSES OF ACTION,
IF ANY, ALLEGED IN THE COMPLAINT HEREIN, ALLEGES:**

9. Upon information and belief, that if the plaintiff was injured as is alleged in the complaint, he was so injured in whole or in part by reason of his own negligence and without any fault or any negligence on the part of the defendants, their agents, servants and/or employees, and the defendants did not violate any statute or statutes enacted for the safety of its employees.

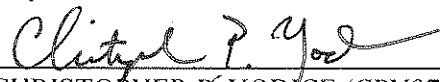
**DEFENDANT, FURTHER ANSWERING AND FOR A SECOND,
SEPARATE AND COMPLETE DEFENSE TO ALL CAUSES OF ACTION,
IF ANY, ALLEGED IN THE COMPLAINT HEREIN, ALLEGES:**

10. Plaintiff has failed, in his Complaint, to mitigate his alleged damages.

WHEREFORE, defendant, LONG ISLAND RAIL ROAD COMPANY, demands judgment dismissing the complaint herein together with costs and disbursements of this action.

Dated: Jamaica, New York
December 20, 2013

RICHARD L. GANS, ESQ.
Attorney for Defendant

BY: 
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(File No. TPA-0569 / MTACFI011227)

TO: **VALERIE J. LAURIELLO, ESQ.**
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